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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,909	06/14/2001	Kyoko Nakamura	44084-496	5551

7590 09/19/2006

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600 13th Street, N.W.
WASHINGTON, DC 20005-3096

EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/879,909

Applicant(s)

NAKAMURA, KYOKO

Examiner

LUONG T. NGUYEN

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10,11 and 13-19 is/are pending in the application.
- 4a) Of the above claim(s) 3-5,7,8,10,11 and 13 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,6,14-19 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/13/2006 has been entered.

Claim Objections

2. Claims 1, 6, 14-15, 16-19 are objected to because of the following informalities:
- Claim 1 (line 8), claim 16 (line 2), "a orientation" should be changed to --an orientation--.
- Claim 1 (lines 10, 12), "a orientation" should be changed to --the orientation--.
- Claim 1 (line 11), claim 15 (line 3), "an image" should be changed to --the image--.
- Claim 6 (line 2), "the subjects is" should be changed to --the subject is--.
- Claim 6 (lines 4, 7), "an orientation" should be changed to --the orientation--.
- Claim 6 (line 4), "the images" should be changed to --the image--.
- Claim 6 (line 6), claim 19 (line 4), "an image" should be changed to --the image--.
- Claim 17 (lines 1-2), "the subjects is" should be changed to --the subject is--.
- Claims 6, 14-15 are objected as being dependent on claim 1.
- Claims 17-19 are objected as being dependent on claim 16.

Art Unit: 2622

Claims 3-5, 7-8, 10, 11, 13 should be canceled since these claims read on non-elected species.

Appropriate correction is required.

Drawings

3. The drawings are objected to because:

In the Replacement sheet of figure 13 filed on 12/27/2005, the arrow indicates the process from step S105 (NO) goes back to a point between step S103 and step S104 should be changed to a point before the step of S103 (a point between step S102 and step S103). Note that the specification, page 27, paragraph [0094] states that step S105 determines whether a face is in the specified orientation or not; when such a face is absent, the process returns to step S103.

In the Replacement sheet of figure 14 filed on 12/27/2005, in step S206, "faces is the specified orientation" should be changed to --faces in the specified orientation--.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

Art Unit: 2622

renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Allowable Subject Matter

4. Claims 1, 6, 14-15, 16-19 are allowed.

The following is a statement of reasons for indication of allowable subject matter:

Regarding claim 1, the prior art of the record fails to show or fairly suggest an image extracting apparatus comprising a specifying device for specifying an orientation of the subject for searching an image including the subject in the specified orientation; a determining device for determining a orientation of the subject in the images contained in the image database; a searching device for searching an image including the subject in the specified orientation based on a result of the determining a orientation of the determining device.

Claims 6, 14-15 are allowable for the reason given in claim 1.

Claim 16 is a method claim of apparatus claim 1, therefore, claim 16 is allowable for the reason given in claim 1.

Claims 17-19 are allowable for the reason given in claim 16.

Conclusion

5. This application is in condition for allowance except for the objection of claims 1, 3-8, 10-11, 13-19 as indicated above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN **LN**
09/15/06

A handwritten signature in black ink, appearing to read 'David Ometz', with a long horizontal stroke extending to the right.

DAVID OMETZ
SUPERVISORY PATENT EXAMINER